

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ALLSTATE INSURANCE COMPANY, ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY, ALLSTATE INDEMNITY COMPANY, ALLSTATE NEW
JERSEY INSURANCE COMPANY, ALLSTATE NEW JERSEY PROPERTY AND
CASUALTY INSURANCE COMPANY, ALLSTATE PROPERTY AND CASUALTY
INSURANCE COMPANY, AND NORTHBROOK INDEMNITY COMPANY,

Plaintiffs,

-against-

ARTUR AVETISYAN, ZINOVY AYZENBERG, DANIEL BATUROV, ALEXANDER
BLANTZ, ALEXANDR CHERNYSHEV, LEVY DAVIDOV, TATYANA FEDEROV,
OLGA GINDINOVA, JANE GOMBERG, NAUM GOMBERG, ANNA
GORBACHEVA, LENNY KAGAN, ALBERT KHAIMOV, MURDAKHAY
KHAIMOV, YEFIM KLIKSHTEYN, ZLATISLAV KOMISARCHIK, ALEXANDRA
MATLYUK, GREGORY MILLER, EDWARD MOLDOVANKSY, INESSA
MUCHNIK, SERGE OGAN, IGOR SARNOV, BRUNO SKAPARS, ACE
ORTHOPEDIC SERVICES, INC., ADVANCED ORTHOPEDIC SOLUTIONS INC.,
ADVANCED PHARMACY, INC., ALMATCARE MEDICAL SUPPLY INC., AOM
MEDICAL SUPPLY, INC., AVA CUSTOM SUPPLY INC., BA2RO INC., DAILY
MEDICAL EQUIPMENT DISTRIBUTION CENTER, INC., EAST 19 MEDICAL
SUPPLY CORP., GERRITSEN MEDCARE INC., HELPFUL MEDICAL SUPPLY,
CORP., LENEX SERVICES INC., LIDA'S MEDICAL SUPPLY INC., LIFE
EQUIPMENT INC., MED EQUIPMENTS SERVICE, INC., ORION SUPPLIES INC.,
PROMPT MEDICAL SUPPLY INC., RIGHT CHOICE MEDICAL SUPPLY INC.,
SKAPARS HEALTH PRODUCTS INC., SMART CHOICE MEDICAL SUPPLY,
INC., TOP Q INC., VOORHIES HEALTH CARE PRODUCTS, INC., WELL CARE
MEDICAL EQUIPMENT LLC, XVV, INC., IGAL BLANTZ, GALA TRADING
INC., IG&NAT SERVICES, INC., JOHN DOES 1 THROUGH 20 AND ABC
CORPORATIONS 1 THROUGH 20,

Defendants.

**17-CV-4275
(LDH)(RML)**

**REQUEST FOR
CERTIFICATE
OF DEFAULT**

TO: DOUGLAS C. PALMER
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Please enter the default of Defendant, **DAILY MEDICAL EQUIPMENT
DISTRIBUTION CENTER, INC.**, pursuant to Rule 55(a) of the Federal Rules of Civil
Procedure for failure to plead or otherwise defend this action as fully appears from the court file
herein and from the Declaration of Lee Pinzow, annexed hereto.

Dated: New York, New York
June 22, 2018

MORRISON MAHONEY, LLP

By: /s/ Lee Pinzow
Lee Pinzow
Attorneys for Plaintiffs
120 Broadway, Suite 1010
New York, New York 10271
(212) 825-1212

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Defendants.

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**DECLARATION
IN SUPPORT OF
REQUEST FOR
CERTIFICATE
OF DEFAULT**

LEE PINZOW declares, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am associated with the firm Morrison Mahoney, LLP, attorneys for Plaintiffs Allstate Insurance Company, Allstate Fire and Casualty Insurance Company, Allstate Indemnity Company, Allstate New Jersey Insurance Company, Allstate New Jersey Property and Casualty Insurance Company, Allstate Property and Casualty Insurance Company, and Northbrook Indemnity Company in the above-entitled action, am fully familiar with the facts and

circumstances set forth herein and submit the instant declaration in support of Plaintiffs' request for certificate of default against Defendant Daily Medical Equipment Distribution Center, Inc. ("Daily Medical Equipment Distribution Center") pursuant to Federal Rule of Civil Procedure 55(a).

2. On July 19, 2017, Plaintiffs filed their Complaint against the above captioned Defendants, including Defendant Daily Medical Equipment, seeking relief under, *inter alia*, the United States Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961, 1962(c) and 1964(c).

3. On or about September 15, 2017, a copy of the Summons, Complaint, Appendix to the Complaint, and Exhibits to the Complaint were served on Defendant Daily Medical Equipment Distribution Center by personal service on the New York State Secretary of State as the agent authorized to accept service on behalf of domestic corporations, including Defendant Advanced Orthopedic Solutions, pursuant to New York Business Corporation Law § 306. *See* Verified Return of Process annexed hereto as Exhibit "A."

4. Pursuant to Federal Rule of Civil Procedure 12(a), Defendant Daily Medical Equipment Distribution Center had twenty one (21) days from the time of service of the Summons and Complaint or until October 6, 2017, to serve an answer.

5. On October 27, 2017, counsel for Plaintiffs filed a joint request to extend the time for Defendant Daily Medical Equipment Center to answer the Complaint.

6. By Order entered October 30, 2017, the Court extended Defendant Daily Medical Equipment Center's time to serve an answer to November 15, 2017

7. On December 6, 2017, counsel for Defendant Daily Medical Equipment Distribution Center, filed a joint request to again extend the time to answer the Complaint.

8. By Order entered December 6, 2017, the Court extended Defendant Daily Medical Equipment Distribution Center's time to serve an answer to January 19, 2018.

9. Despite the extensions, Defendant Daily Medical Equipment Distribution Center failed to answer or otherwise respond to the Complaint in the above-captioned case.

10. On May 9, 2018, Plaintiffs filed an Amended Complaint, which did not include additional or new claims against Defendant Daily Medical Equipment Distribution Center. In that regard, the Amended Complaint is identical in every regard to the original Complaint with respect to allegations and claims stated against Defendant Daily Medical Equipment Distribution Center. *See* ECF No. 157.

11. To date, Defendant Daily Medical Equipment Distribution Center has failed to answer or otherwise respond to the Amended Complaint in the above-captioned case and has not contacted Plaintiffs to seek an extension of time.

12. Accordingly, the time within which Defendant Daily Medical Equipment Distribution Center may answer or otherwise respond to the Amended Complaint herein has expired; said Defendant has not answered or otherwise moved with respect to the Amended Complaint, and the time for Defendant to do so has not been extended.

13. As a result of Defendant Daily Medical Equipment Distribution Center's failure to plead or otherwise defend in accordance with the time limits proscribed by the Federal Rules of Civil Procedure, entry of default is appropriate.

WHEREFORE, Plaintiffs Allstate Insurance Company, Allstate Fire and Casualty Insurance Company, Allstate Indemnity Company, Allstate New Jersey Insurance Company, Allstate New Jersey Property and Casualty Insurance Company, Allstate Property and Casualty Insurance Company, and Northbrook Indemnity Company respectfully request that the default of Defendant Daily Medical Equipment Distribution Center be noted and a certificate of default issued.

Dated: New York, New York
June 22, 2018

By: /s/ Lee Pinzow
Lee Pinzow, Esq.

Exhibit “A”

ALLSTATE INSURANCE COMPANY, ET AL,

against

ARTUR AVETISYAN, ET AL,

Plaintiff(s)

INDEX# 17-CV-4275

Date filed

Defendant(s)

STATE OF NEW YORK

COUNTY OF ALBANY

0098809

SECRETARY OF STATE - AFFIDAVIT OF SERVICE

PAUL J. SANTSPREE JR. being duly sworn, deposes and says that deponent is not a party to this action, is over the age of 18 years and has a principal place of business in the County of Albany, State of New York. That on **9/15/2017** at **2:15 PM**, at the office of the Secretary of State, of the State of New York in the City of Albany, New York, he/she served a true copy of a

SUMMONS IN A CIVIL ACTION AND COMPLAINT,

on **DAILY MEDICAL EQUIPMENT DISTRIBUTION CENTER, INC.**, **Defendant** in this action.

By delivering to and leaving with **SUE ZOUKY**, authorized agent in the office of the Secretary of the State, State of New York, personally at the office of the Secretary of State, of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of \$40.00, unless exempt by law. That said service was made pursuant to Section 306 BCL


Bearing Index Number and Filing Date endorsed thereon.

[] Deponent additionally served upon the above named defendant one (1) true copy of the RPAPL SEC. 1303 Homeowner's Foreclosure Notice which was printed in bold, 14 point font size and printed on colored paper which is a color other than said pleading

Description Description of the Recipient is as follows:

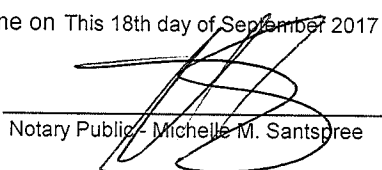
A Female with White skin, Brown hair, who is approximately 48 years of age and has an approximate height of 5' 2" and approximate weight of 135 pounds.

Other identifying features are as follows: None.


PAUL J. SANTSPREE JR.
Process Server

State of New York
County of Albany

Sworn to before me on This 18th day of September 2017


Notary Public - Michelle M. Santspree

Michelle M. Santspree
Notary Public, State of New York
NO. 01SA5047611
Qualified in Albany County
Commission Expires August 7, 2021

Emily M. Corbett
Notary Public, State of New York
No. 01CO6299470
Qualified in Rensselaer County
Commission Expires March 24, 2018

ALERT PROCESS SERVICE AGENCY - 185 WILLIS AVE STE 6 - MINEOLA, NY 11501-2622 - 516-741-4353

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EASTERN DISTRICT OF NEW YORK**

ALLSTATE INSURANCE COMPANY, ALLSTATE FIRE AND CASUALTY
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CORPORATIONS 1 THROUGH 20,

Defendants.

**17-CV-4275
(LDH)(RML)**

**CERTIFICATE
OF DEFAULT**

I, Douglas C. Palmer, Clerk of Court of the United States District Court for the Eastern District of New York, do hereby certify that Defendant **DAILY MEDICAL EQUIPMENT DISTRIBUTION CENTER, INC.** has not filed an answer or otherwise moved with respect to the above-captioned action as fully appears from the court file herein and from the Declaration of Lee Pinzow, annexed hereto. The default of Defendant **DAILY MEDICAL EQUIPMENT DISTRIBUTION CENTER, INC.** is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: Brooklyn, New York
_____, 2018

DOUGLAS C. PALMER, Clerk of Court

By: _____
Deputy Clerk

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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KHAIMOV, MURDAKHAY KHAIMOV, YEFIM KLIKSHTEYN,)
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HELPFUL MEDICAL SUPPLY, CORP., LENEX SERVICES INC., LIDA'S)
MEDICAL SUPPLY INC., LIFE EQUIPMENT INC., MED EQUIPMENTS)
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20 AND ABC CORPORATIONS 1 THROUGH 20,)

Defendants.)

**17-CV-4275
(LDH) (RML)**

REQUEST TO ENTER DEFAULT AS TO DAILY MEDICAL EQUIPMENT DISTRIBUTION CENTER, INC.

MORRISON MAHONEY, LLP
ATTORNEYS FOR PLAINTIFFS
120 BROADWAY, SUITE 1010
NEW YORK, NEW YORK 10271
TELEPHONE: (212) 825-1212